



Tonya W. Conley
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225777



Overnight Delivery

The Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: STB Docket No. 42111, *Oklahoma Gas and Electric
Company v. Union Pacific Railroad Company*

ENTERED
Office of Proceedings
SEP 25 2009
Part of
Public Record

Dear Secretary Quinlan:

Enclosed for filing in the above-referenced matter are an original and ten copies of the PUBLIC VERSION of the Statement of Reparations and an original and fifteen copies of the CONFIDENTIAL VERSION of the Statement of Reparations.

Thank you for your attention to this matter.

Sincerely,

Tonya W. Conley

Enclosures

cc: Counsel for OGE Energy Corporation
Michael Rosenthal

BEFORE THE SURFACE TRANSPORTATION BOARD



OKLAHOMA GAS & ELECTRIC COMPANY

Complainant,

v.

UNION PACIFIC RAILROAD COMPANY

Defendant.

Docket No. NOR 42111

ENTERED Office of Proceedings SEP 25 2009 Part of Public Record

STATEMENT OF REPARATIONS

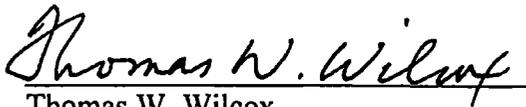
In its Decision served July 24, 2009, the Board found that the rates charged by Defendant Union Pacific Railroad Company ("UP") for coal transportation service from mines in the Southern Powder River Basin to the Muskogee Generating Station in Fort Gibson, Oklahoma, owned and operated by Complainant Oklahoma Gas & Electric Company ("OG&E"), exceeded maximum reasonable levels. The Board directed UP to establish and maintain rates no higher than 180% of the variable cost of the subject service, and to pay reparations to OG&E, plus applicable interest, for shipments made under the challenged rates from and after January 1, 2009. See Decision at 3, 11.

~~Effective September 22, 2009, UP established new rates in compliance with the~~
Decision. OG&E and UP have cooperated to identify the traffic entitled to reparations for the first quarter of 2009, and calculated reparations and interest thereon in compliance with 49 C.F.R. § 1133.2.

In accordance with the applicable regulations, the parties are submitting a statement of reparations for each mine that originated traffic covered by the Board's Decision during the first quarter of 2009. The reparations and interest as calculated by the parties for 1Q09 totals \$2,744,786.44 for shipments through March 31, 2009. The calculations of reparations and interest are summarized in Attachment No. 1 hereto. The parties will prepare and submit similar statements for the second quarter of 2009 and for a portion of the third quarter of 2009, promptly upon the completion of calculations for those time periods.

Attachment No. 2 hereto is the certification required by 49 C.F.R. §1133.2.

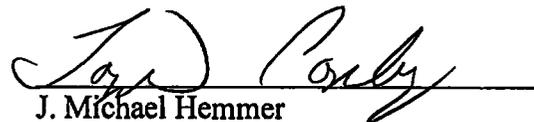
Respectfully submitted,



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Attorneys for Union Pacific Railroad Company

~~Dated September 24, 2009~~

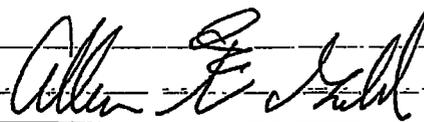
Attachment No. 1 Redacted



CERTIFICATION

Complainant Oklahoma Gas & Electric Company ("OG&E") hereby certifies that the accompanying Reparatons Statement includes claims only on shipments covered by the Surface Transportation Board's findings in STB Docket NOR 42111 during the first quarter of 2009, and contains no claim for reparations previously filed with the Board by or on behalf of OG&E or, so far as OG&E knows, by or on behalf of any person, in any proceeding.

OG&E received UP's payment described in the certification provided by UP below in satisfaction of the reparations and interest award set out in the July 24, 2009 Decision in Docket NOR 42111 for traffic moving in the first quarter of 2009 only.



Oklahoma Gas & Electric Company

By: Allen F. Gould, P.E.
Manager, Fuels
OGE Energy Corporation
P.O. Box 321, M/C GB58
Oklahoma City, Oklahoma 73101-0321

September-18, 2009

The total amount of reparations and interest for traffic moving during the first quarter of 2009, including interest through the date of payment on September 18, 2009, equals \$2,744,786.44. The undersigned hereby certifies that the Reparations Statement submitted by OG&E for 1Q09 has been checked against the records of Union Pacific Railroad Company and found correct.


Union Pacific Railroad Company,
Defendant

By: Jeffrey Totusek
Vice President - Controller and Chief Accounting Officer
Union Pacific Railroad Company
1400 Douglas Street, STOP 1770
Omaha, Nebraska 68179

September 24, 2009